Remarks

In response to the final Office Action mailed on March 16, 2009 in the above-captioned application Applicant herewith withdraws the Notice of Appeal filed on September 16, 2009 and amends the application as indicated above. <u>A Request for Continued Examination is filed concurrently herewith.</u>

The pending final Office Action has been carefully reviewed and considered. Claims 1, 3-16 and 31-40 stand rejected according to the present Office Action. Claims 1, 13 and 36 are herewith amended to more clearly define the invention and claims 14, 15, 33, 39 and 40 are canceled without prejudice so as to advance prosecution of the application. Applicant reserves the right to pursue these and other claims in this and future applications. The cancellation of claims 14, 15, 33, 39 and 40 renders the rejections of these claims moot. Accordingly, claims 1, 3-13, 16, 31, 32 and 34-38 are now pending in the application.

Applicant thanks the Examiner for the careful consideration given to previous arguments, and for the indicated withdrawal of previously pending rejections. Applicant also thanks the Examiner for the invitation to submit affidavits under 37 CFR §1.132, which Applicant may do in the future. Applicant may not agree with the conclusions of the Patent Office. Even accepting, *arguendo*, those conclusions, however, all claims are now believed to be in immediate condition for allowance.

35 USC §112

As noted above, the rejections of claims 39 and 40 under 35 USC §112 are moot in view of the present amendments.

35 USC §103(a)

Pending claims 1, 3-6 and 36-38 stand rejected under 35 USC §103(a) over United States patent number 6,499,006 to Rappaport et al. (*hereinafter* Rappaport) in view of United States patent number 5,821,937 to Tonelli et al. (*hereinafter* Tonelli) in further view of "CADDstar Version 5.0 Help Manual" by Hal-Tec Corporation (*hereinafter* Help Manual).

The present application relates to a system and method for network infrastructure Management. In this context, amended claim 1 recites:

A method for deploying a fiber optic communication network comprising: storing an attribute of an optical communication component in a computer catalog database entry, said optical communication component including a fiber reel having an uneven buffer count; associating said catalog database entry with a design profile; selecting said database entry from said design profile; reading said attribute from said database entry; associating said attribute with a planned deployment of a physical instance of said component; calculating an optical loss, including a loss associated with an optical fiber splice; and forming a visible image representing said planned deployment, said visible image including a separately identified integrated detail drawing. Emphasis added.

Applicant respectfully notes that the newly added features of claim 1 correspond to those previously present in canceled claim 33.

Claim 33 is rejected in the pending Office Action under 35 USC §103(a) over Rappaport in view of Tonelli in further view of Help Manual and in still further view of United States patent number 4,866,704 to Bergman (*hereinafter* Bergman).

The Patent Office asserts that:

regarding same 7-9, 12 and 31-35, Rappaport in view of Tonelli does not especially teach the fiber optic equipment related by these claims. Bergman teaches the fiber optic equipment recited by the claims.

Page 18, lines 11-14.

Applicant respectfully traverses. The rejection of claim 33 should be withdrawn because the cited references do nothing to teach or suggest the features of a "fiber reel having an uneven buffer count" as claimed. Accordingly, amended claim 1 which now incorporates these features is clearly in condition for allowance.

The specification of an application constitutes intrinsic evidence. While not limited by the specification, the claims of an application are properly construed in light of the specification. With respect to claim 33, for example, a practitioner of ordinary skill in the art, having access to the specification, including Fig. 15(A), would readily understand the meaning of the term "buffer."

A state-of-the-art cable 3000 incorporates a fiber <u>buffer</u> tube 3010 having <u>more than one grade of fiber</u>. Such cables are advantageous where, for example, different <u>fibers within a buffer</u> tube are used to span substantially different distances. For example, a first fiber 3020 made of superior, but more expensive, glass may be used in long-haul circuits. A second fiber 3030 made of inferior, but less expensive, glass may be used in local circuits. The present invention tracks fiber grade by individual fiber. Cable information 3050, buffer tube information 3060 and fiber information 3070 are related within the database of the invention 3080. Consequently, during engineering and/or maintenance of the system an appropriate choice of fiber may be made. Also, identification and tracking of individual fiber grade allows the calculation functions mentioned above of the invention to accurately model the network. Accordingly, an embodiment of the invention includes optical fiber loss calculation. Emphasis added. Page 42, line 15 - page 43, line 13.

The creative practitioner of ordinary skill would find nothing in Bergman, or any other reference now of record, to teach or suggest "storing an attribute of an optical communication component in a computer catalog database entry <u>said</u> <u>optical communication component including a fiber reel having an uneven buffer</u> <u>count</u>," as claimed. To the contrary, the Bergman reference teaches directly away from the proposed combination and from the present invention.

The Bergman reference relates to:

An asynchronous, high-speed, fiber optic local area network originally developed for tactical environments with additional benefits for other

environments such as spacecraft, and the like. The network supports ordinary data packet traffic simultaneously with synchronous T1 voice traffic over a common token ring channel.... Provision is made to monitor and compensate the <u>elastic receiving buffers</u> so as to prevent them from overflowing or going empty. Emphasis added. Abstract.

The "buffers" of Bergman, however, are <u>data buffers</u>:

... the double elastic buffer can be configured to minimize latency or maximally smooth network load variations--but not both. Thus, as depicted in FIG. 4, the continuous voice communication from the telephone 16 is <u>digitized</u> and inserted into a <u>first in first out (FIFO) transmitting elastic buffer</u> 22. The contents of the buffer 22 are removed in packets 24 which are transmitted through the fiber optic bundle 18 to the receiving end where they are inserted into <u>a FIFO receiving elastic buffer</u> 26. The <u>packets</u> 24 can then be removed from the buffer 26 in a continuous stream without gaps therebetween so as to "reconstruct" the original continuous communication. Emphasis added. Column 6, lines 20-32.

This is completely different from, and teaches directly away from, a "fiber reel having an uneven buffer count," as claimed. Accordingly, there is nothing in Bergman, or anywhere in the references now of record, to teach the unique and novel combination of features of claim 1. Nor is there anything to suggest or teach the combination of Bergman with any other reference now of record.

Consequently, the rejection of claim 1 is overcome and should be withdrawn. Action consistent with this conclusion is respectfully requested.

Pending claims 3-12, 31, 32, 34 and 35 each depend, directly or indirectly, from claim 1 and incorporate every feature thereof. Accordingly, for at least the reasons given above in relation to claim 1, the rejections of claims 3-12, 31, 32, 34 and 35 under 35 USC §103(a) over any combination of Rappaport, Tonelli, Help Manual and Bergman should be withdrawn. Consequently, claims 3-12, 31, 32, 34 and 35 are in immediate condition for allowance and such allowance is respectfully requested.

Claims 13, 14 and 16 stand rejected under 35 USC §103(a) over "Modeling Multiple View of Design Objects in a Collaborative CAD Environment" by Rosenman (*hereinafter* Rosenman) in view of Rappaport and in further view of Tonelli.

Independent claim 13, as amended, recites:

A system for planning a network comprising: a first computer including a first memory storage device having application software encoded therein; a second computer, operatively connected to said first computer, having a second memory storage device adapted to record first project data; a third computer, operatively connected to said second computer, having a third memory storage device adapted to record second project data, said first and second project data being substantially instantaneously identical; said software including a catalog portion, a design profile portion, and a calculations portion; said catalog portion being adapted to receive data defining a plurality of communication network components; said design profile portion adapted to receive data defining a plurality of design rules

related to logical design of a network; said first data including a logical

model of a communications network; said calculations portion being

adapted to calculate power and signal relationships <u>for individual optical</u>

<u>fibers of different grades disposed within a single buffer</u>. Emphasis

added.

Applicant respectfully submits that there is nothing in Rosenman,

Rappaport, or Tonelli, whether taken alone or in combination, to teach or suggest

the unique combination of features now in claim 13.

The absence of the identified features in Rappaport and Tonelli is

expressly acknowledged in the Office Action at page 18, lines 11 and 12. Nor is

there anything in Rosenman (or Help Manual) to remedy this deficit. Indeed,

there is nothing in any reference now of record, whether taken alone or in

combination, to anticipate claim 13 or render it obvious. Accordingly, the

rejection of claim 13 under 35 USC §103(a) over Rosenman in view of Rappaport

and in further view of Tonelli is overcome and should be withdrawn. Action

consistent with this conclusion is respectfully requested.

Claims 14 and 16 each depend directly from claim 13 and incorporate

every feature thereof. Accordingly, for at least the reasons given above in relation

to claim 13, the rejections of claims 14 and 16 under 35 USC §103(a) over

Rosenman in view of Rappaport and in further view of Tonelli should also be

withdrawn. Withdrawal of the pending rejections and allowance of claims 14 and

16 is respectfully requested.

Claim 15, which depends indirectly from claim 13, stands rejected under 35 USC §103(a) over Rosenman in view of Rappaport in further view of Tonelli and in still further view of Bergman. As demonstrated above, the proposed combination of Rosenman, Rappaport and Tonelli does not teach or suggest every feature of claim 13 and the combination of Bergman with these references does nothing to remedy this deficiency. For at least these reasons, the rejection of claim 15 under 35 USC §103(a) over Rosenman in view of Rappaport and in further view of Tonelli and in still further view of Bergman should also be withdrawn. Immediate allowance of claim 15 is respectfully requested.

Claim 36 stands rejected under 35 USC §103(a) over Rappaport in view of Tonelli and in further view of Help Manual.

Claim 36, as amended, recites:

A method for deploying a fiber optic communication network comprising: storing an attribute of an optical communication component in a computer catalog database entry; associating said catalog database entry with a design profile; selecting said database entry from said design profile; reading said attribute from said database entry; associating said attribute with a planned deployment of a physical instance of said component; forming a visible image representing said planned deployment, said visible image including a separately identified integrated detail drawing; and performing a system calculation considering small-scale features represented in the detail drawing and large-scale features otherwise represented in the visible image including calculating respective optical losses for optical fibers of different grades

<u>disposed within a single buffer</u>. Emphasis added.

As demonstrated above, even if, *arguendo*, properly made, the proposed combination of Rappaport, Tonelli and Help Manual does not teach or suggest every feature of amended claim 36 including "optical fibers of different grades disposed within a single buffer." Consequently, the rejection of claim 36 under 35 USC §103 (a) over Rappaport in view of Tonelli any further view of Help manual is overcome and should be withdrawn. Immediate allowance of claim 36, and of claims 37 and 38 which depend directly therefrom, is therefore respectfully solicited.

In view of the foregoing arguments and amendments, all claims now in the application are believed to be in immediate condition for allowance. Accordingly, and consistent with the Patent Office policy of compact prosecution, Applicant earnestly solicits allowance of all claims and prompt passage of this application to issue.
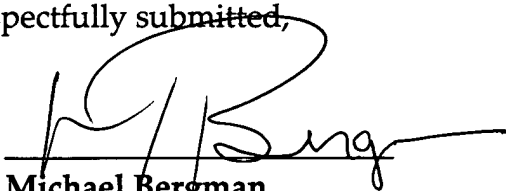
A petition for a four month extension of time is transmitted herewith, along with the requisite fee. If required, the Commissioner is hereby petitioned, under 37 C.F.R. § 1.136 (a), to extend the time for filing a response to an outstanding Office Action, or any communication filed in this application by this firm, by the number of months which will avoid abandonment under 37 C.F.R. § 1.135. The Commissioner is authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to Deposit Account No. 50-3950 of Bergman & Song LLP, under Order No.: **H0630-0003-P003.**.

If the enclosed papers or fees are considered incomplete, the Patent Office

is respectfully requested to contact the undersigned collect at (617) 868-8871 in

Cambridge, Massachusetts.

Dated: MAR 1 6 2010   Respectfully submitted,

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